



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PRIMARY EXAMINER**

Application of:

Applicant: Donald V. Lightcap, Jr. et al.

Serial No.: 09/128,753

Filed: August 4, 1998

Art Unit: 1616

Docket: DVL-003PAT

Examiner: Alton Pryor

Title: **COMPOSITION, METHOD, AND APPARATUS FOR PROTECTING  
PLANTS FROM INJURY CAUSED BY FROST OR FREEZING  
TEMPERATURES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO THE FINAL OFFICE ACTION  
DATED AUGUST 13, 2003**

**INTRODUCTORY COMMENTS**

The Amendments to the Claims are in response to the new Office Action dated August 13, 2003. The Applicant wishes to thank the Examiner for the telephonic conference call interview on February 11, 2004, concerning the subject Application. The participants of the interview were Mark F. Smith (attorney/Applicant), Donald Lightcap (Applicant) and Alton N. Pryor (Examiner). No exhibit or demonstration was conducted. The discussion was directed to the rejection of claims 25 - 27, 29, 30, 32, 33, 35, 36 - 41, and 46. An agreement with respect to the claims was not reached. In view of the discussion, claim 25, has been amended as suggested by the Examiner to place them in better order for

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issuance. The Applicants also wish to state that the subject application was filed on August 4, 1998, almost six (6) years ago. Claims, previously allowed, are now being rejected for form (for being indefinite) or prior art. The Applicants respectfully submit that determination of patentability of the invention needs to be concluded.